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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,838	12/09/2003	Ingermar S. d'Agrella	077077-9146-00	4415
23409	7590	04/29/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			DESAI, HEMANT	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 04/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/731,838

Applicant(s)

D'AGRELLA ET AL.

Examiner

Hemant M Desai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 24-36 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 24-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-09-03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of Group I, claims 1-19 and 24-36, in the reply filed on 4/7/2005 is acknowledged. The traversal is on the ground(s) that there will not be a serious burden placed on the Examiner if the restriction is not required. This is not found persuasive because a restriction is proper if the groups of claims are independent or distinct from each other and if there is a burden on the examiner if no restriction was required.

In this instant application, the restriction is deemed proper because the groups of inventions are distinct from each other as stated in the previous office action. Furthermore, since the groups are classified in different class/subclass, it is deemed that there is burden on the examiner if no restriction was required.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-7 and 24-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Several phrase in the claims are vague, misleading and/or indefinite, for example: "'first and second.... Mechanism.'" (claim 2, lines 2-4), it not clear how first and second collator belts are lying in substantially face to face relation between the cutting

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cylinders and the diverter mechanism, when delivery belts are lying in substantially face to face relation between the cutting cylinders and the diverter mechanism; "a fourth .... Substantially equal" (claim 3, lines 2-6), it is not clear how the fourth and fifth motors are operable to drive the first and second collator belts respectively when the first and second belts are delivery belts, furthermore, when the fourth and fifth speeds are substantially equal, how can it be the fourth and fifth speeds; "the third collator belt.....the second collator belt" (claim 4, lines 2-5), it not clear how the third and fourth collator belts are lying in substantially face to face relation with the first and second collator belts respectively, since the first and second belts are delivery belts. In claims 3,4, 24 and 26, applicant is addressing first and second delivery belts 938, 42) first and second collator belts (claim 24, lines 11-17; claim 26, lines 3-6) respectively, and first and second collator belts (94, 110) third and fourth collator belts. Applicant is advised to be consistent in addressing the delivery and collator belts according to specification throughout the claims.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 9-19 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over d'Agrella et al. (6394445) in view of Stieler et al. (6776750).

d'Agrella et al. disclose a folder for a printing press, the folder operable to cut a web into individual printed products, the folder comprising at least one infeed roller (driving section, see col. 5, lines 40-41), a pair of cutting cylinders positioned downstream of the infeed rollers (see col. 5, lines 40-41), a diverter mechanism (12, fig.1) positioned downstream of the cutting cylinders.

d'Agrella et al., as mentioned above, disclose all the claimed limitations, except for providing separate motors for infeed rollers, cutting cylinders and diverter mechanism. However, Stieler et al., teach to provide separate motors in a folder to continue to operate the folder without functional impairment in the event of failure of a motor and therefore the serviceability of the entire folder is ensured (see col. 2, lines 13-19), for adjustment functions for format change (see col. 2, lines 23-25) and division of the power in the drive can be carried out, as a result smaller drive motors can be used, which reduces the dimensioning of the controlled electronics in a corresponding way (see col. 2, lines 33-36). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide separate motors as taught by Stieler et al. in the folder for a printing press of d'Agrella et al. for infeed rollers, cutting cylinders and diverter mechanism to continue to operate the folder without functional impairment in the event of failure of a motor and therefore the serviceability of the entire folder is ensured, for adjustment functions for format change and division of the power in the drive can be carried out, as a result smaller drive motors can be used, which reduces the dimensioning of the controlled electronics in a corresponding way.

Regarding claims 2-4 and 17, d'Agrella et al. disclose first and second delivery belts (18, 16, fig. 1) and third and fourth collator belts (64, 62, fig. 1) supported by the frame and circulating in endless loops, the delivery belts lying in substantially face to face relation between the cutting cylinders (not shown) and the diverter mechanism (12, fig. 1), and the third collator belt (64) lying in substantially face to face relation with the first delivery belt (18) to define a first collation path extending away from a first side of the diverter mechanism, and the fourth collator belt (62) lying in substantially face to face relation with the second delivery belt (16) to define a second collation path extending away from a second side of the diverter mechanism. Further, the folder of d'Agrella et al. as modified by Stieler et al. teach to provide separate motors to drive the first delivery belt and the third collator belt and the second delivery belt and the fourth collator belt. Furthermore, the speed of all the four belts is substantially equal, and therefore single motor as disclosed by d'Agrella et al. would perform the same function of providing two separate motors.

Regarding claims 6 and 34, d'Agrella et al. disclose a first and second slow-down mechanism (46, fig. 1) positioned along the first and second collation paths and independently driven (see col. 7, lines 65-67; col. 8, lines 1-3).

Regarding claim 7, d'Agrella et al. disclose a first and second delivery buckets (30, fig. 1) positioned downstream of the first and second slow-down mechanisms respectively and independently driven (see col. Col. 8, lines 4-8).

Regarding claim 9, d'Agrella et al. disclose that a first distance between the infeed rollers and the cutting cylinders, and a second distance between the cutting cylinders and the diverter mechanism are substantially fixed.

Regarding claims 10 and 18, Stieler et al. teaches a control system (63, 64, fig. 1) ensuring automatic adjustments and to provide signals (see col. 5, lines 18-22). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the control system as taught by Stieler et al. in the folder for a printing press of d'Agrella et al. to ensure automatic adjustments and to provide signals.

Regarding claims 11, 19 and 35, d'Agrella et al. disclose a printed product sensors (see col. 15, lines 33-58) to control the motor.

Regarding claims 12, the modified folder for printing press of d'Agrella, as mentioned above, meets all the claimed limitations.

Regarding claims 13 and 36, d'Agrella et al. disclose that the diverting assembly includes a diverter wedge (20, fig. 1).

Regarding claim 14, d'Agrella et al. disclose that the diverting assembly includes a diverter nip, and wherein the diverter nip moves with respect to the diverter wedge to guide printed products toward opposite sides of the diverter wedge.

Regarding claim 15, d'Agrella et al. disclose an infeed section including guide rollers (driving section, see col. 5, lines 40-41) that guide the web toward the cutting section.

Regarding claim 32, the modified folder for printing press of d'Agrella, as mentioned above, meets all the claimed limitations. d'Agrella et al. disclose a printed product sensors (see col. 15, lines 33-58) to control the motor.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over d'Agrella et al. (6394445) and Stieler et al. As applied in claim 1 above, and further in view of Cote (6360640).

The folder of d'Agrella et al. as modified by Stieler et al. meets all the limitations of claim 8, except for the variable speed of cutting cylinder to adjust a cut length of each printed product.

However, Cote teaches a variable speed of cutting cylinders (1, 2, fig. 5) to adjust the cut length of printed product (6, fig. 5) to allow cutting signatures of different lengths without having to adjust the diameter of the cutting cylinders and which provide a good signature quality (see col. 1, lines 50-53). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the variable speed of cutting cylinder as taught by Cote in the folder for a printing press of d'Agrella et al. to allow cutting signatures of different lengths without having to adjust the diameter of the cutting cylinders and which provide a good signature quality.

***Allowable Subject Matter***

7. Claims 24-31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.



**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 7:00 AM-5: 30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hemant M Desai  
Examiner  
Art Unit 3721

HMD



Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700